

Remarks/Arguments:**I. Status of the Application**

Claims 1, 3, 6-17, and 21-26 are pending in this application. In the September 13, 2005 office action, the Examiner:

- A. Objected to claim 6 as allegedly being a multiple dependent claim that is dependent upon another multiple dependent claim;
- B. Rejected claims 1, 3 and 12 under 35 U.S.C. § 102(b), as allegedly being anticipated by U.S. Patent No. 5,934,980 to Koos et al. (hereinafter “Koos”);
- C. Rejected claim 7 under 35 U.S.C. § 103(a) as allegedly being obvious over Koos in view of U.S. Patent No. 6,436,830 to Merchant et al.;
- D. Rejected claims 8 and 14 under 35 U.S.C. § 103(a) as allegedly being obvious over Koos in view of U.S. Patent No. 5,780,358 to Zhou et al.;
- E. Deemed claims 9, 10, 11, 13 and 15-17 as allegedly being dependent upon a rejected base claim but allowable if rewritten in independent format; and
- F. Appears to have allowed claims 21-26, although it is unclear.

In this response, claims 1, 3, 12 and 14-17 have been canceled, without prejudice. Claim 13 has been rewritten in independent format, and claim 25 has been rewritten in independent format. Claims 7-11 and 26 have been amended to change their dependencies. Applicants respectfully submit that the claims are in a condition for allowance. The claims all contain subject matter apparently deemed allowable by the Examiner. Accordingly, entry of this amendment and allowance of the claims is earnestly solicited.

II. The Objection to Claim 6 is in Error

The Examiner objected to claim 6 as “being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim”. (September 13, 2005 office action at p.2).

Claim 6 is not now, nor ever has been, a multiple dependent claim. Claim 6 does not now, nor has it ever, been dependent on another multiple dependent claim. There have never been multiple dependent claims in the present application.

Accordingly, it is respectfully submitted that the objection of claim 6 is in error and should be withdrawn.

The Examiner did not examine claim 6 on the merits because of the alleged improper format. (*Id.*) Because the objection to claim 6 was clearly in error, it is respectfully submitted that claim 6 is entitled to be examined on the merits. However, because claim 6 depends from claim 23, which is in a condition for allowance as discussed below, it is submitted that claim 6 is in a condition for allowance.

III. Claim 13 is in a Condition for Allowance

In the September 13, 2005 office action, as well as in prior office actions, claim 13 was deemed allowable if rewritten in independent format. In this amendment, claim 13 has been rewritten in independent format. Accordingly, it is respectfully submitted that claim 13 is in a condition for allowance.

IV. Claim 21 Appears to Have Been Allowed

Claim 21 appears to have been allowed in the September 13, 2005 office action (See Office Action Summary). However, Section 8 of page 7 of the detailed September 13, 2005 office action indicates that claim 21 may have been rejected. Nevertheless, the September 13, 2005 office action as best interpreted indicates that claim 21 has been allowed.

In particular, virtually all evidence suggests that the “rejection” in Section 8 of the office action is in error. First, the prior art cited in the rejection is inconsistent. The first paragraph indicates that claims 21-26 were rejected over Koos and Kobayashi, while in later paragraphs Koos and Muroyama are cited, but not Kobayashi. Second, the rejection of Section 8 does not address any of steps d), e) and f) of claim 21, much less the additional limitations of claims 22-26. In other words, the Examiner did not allege a *prima facie* case of obviousness. Accordingly, the “rejection” in Section 8 appears to be either a vestige of another document or an aborted attempt at a rejection. Thus, claim 21 is treated as being allowed.

Most importantly, the Office Action Summary on page 1 of the September 13, 2005 office action clearly indicates that claims 21-26 are *allowed*.

If the Applicant is incorrect, a clarification is requested with a new or updated office action.

V. Claims 22-24

Claims 22-24 depend from claim 21 and also appear to have been allowed.

VI. Claims 25

Claim 25 also appears to have been allowed, or at least deemed allowable for the reasons discussed above in connection with claim 21. Claim 25 has been rewritten in independent format to incorporate the limitations of claims 3 and 1. As a consequence, claim 25 is in a condition for allowance.

VII. Claim 26

Claim 26 has been amended to depend from claim 13. Claim 13 is in a condition for allowance as discussed above. Accordingly, claim 26 is in a condition for allowance.

VIII. Claims 7-11

Claims 7-11 have been amended to depend from claim 25, which is in a condition for allowance. As a consequence, claims 7-11 are also in a condition for allowance.

IX. Conclusion

For the foregoing reasons, it is respectfully submitted that only subject matter *deemed allowable by the Examiner* remains in the case. Applicant respectfully requests entry of the amendment and favorable consideration of the application.

Respectfully Submitted,



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